UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/644,345	08/23/2000	Tom Sharples	4905.P005	2756

8791   7590   03/25/2004

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EXAMINER
BOCCIO, VINCENT F

ART UNIT	PAPER NUMBER
2615	

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .
2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-40_ is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-40_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on _23 August 2000_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All   b)☐ Some *   c)☐ None of:
   1. ☐ Certified copies of the priority documents have been received.
   2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _7 & 8_.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

DETAILED ACTION
Drawings

1.   The drawings are objected to under 37 CFR 1.83(a). The
drawings must show every feature of the invention specified in
the claims. Therefore, the recited limitations associated with
claims 1-40 must be shown or the feature(s) canceled from the
claim(s). No new matter should be entered.

Wherein the examiner considered that claims such as claim
6, claiming various user input is shown in Fig. 4 is shown,

but various details showing illustration of a user
presented with first and second scripts, controlling modes, or
an example of showing by displaying first and second scripts for
user input, the claimed registers and the table of register
values are also not shown, the method of claim 15, is also not
illustrated, the recited script or example are also not shown.

The examiner requires new generated drawings showing all
recited limitations, apparatus elements and all methods steps,
and further illustrations of user interaction inputs and
responses, or control functions and actions, not shown in the
present drawings, wherein the drawings only show,

Fig. 2, illustrates a basic network, showing servers, a
network and associated devices;

Fig. 3, the US with various device locations across the county;

Fig. 4, a basic computer with recited user input elements of claim 6 etc., is shown,

Fig. 5, a general block diagram of a device;

Fig. 6, A & B, show basic diagrams, illustrating

an application, manger and device layers;

Fig. 7, shows the concept of triggering based on a time code comparison, but, also fails to illustrate the details associated with the DVD and registers and table of registers, as claimed;

Fig. 8, shows a broad representation of changing between two modes, and fails to show the details of the user actions.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the

effects for purposes of this subsection of an application filed in the
United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English
language.

2. Claims 1-2, 5-9, 11, 17, 20-21, 26-27, 30-33, 35 are rejected
   under 35 U.S.C. 102(e) as being anticipated by Eyer et al. (US
   5,982,445).

Regarding claims 1-2, 17, 26-27, 33 Eyer disclose and meets
the limitations associated with apparatus associated with a
machine readable medium with instructions (col. 9, lines 16-
"CPU implements an HTML based code which is analogous to a WEB
browser"), for facilitating a method comprising:

O controlling, in a first mode, a device, wherein the
controlling includes receiving and processing user inputs
coming into the device (as controlling a device mode such as
"audio muting", col. 11, lines 55-55, and other functions as
well, controlling the mode of volume or level, tuner to
another channel, further controlling the aspect ratio (col.
12), controlling the security and/or heating system, special
effects for a device (Fig. 5 and HTML/HTVP data", col. 8,
lines 39-52 and overlaying script thereby a user can interact
with the script, met by col. 10, lines 27-55;

O displaying a first markup language page that includes a
first script and changing control of the device from a
first mode to a second mode upon execution of the first
script (the use of script is used to handle user inputs,
col. 7, CGI script),

O wherein control of a device can be accomplished by
providing, "The HTVP commands can be linked to appropriate
buttons or graphical display on a TV screen interface
facilitating selection.", col. 11, lines 32- to col. 14.

Regarding claims 5, 11, 30 and 35, Eyer further meets the
limitation of displaying video synchronized or integrated with
the markup language (col. 10, lines 49-60, "screen 400 provide
a HTML/HTVP display which is updated in real time with
information that is unrelated to the video image present in
sub region", "HTML/HTVP display may be provided in a the
subregion as an overlay to the programming service video which

is present in the surrounding region 420", "Other variations …
including split screen, PIP).

Regarding claims 6, 21 and 31, Eyer further meets the
limitation of wherein the user inputs are selected from a
group, or one of motion sensor, card wipe, a button and a
keyboard (col. 10, lines 18-26, "keypad or handheld remote" or
Fig. 5, selection of on screen options, with a user input,
col. 5, "mouse", "pointing device", "remote").

Regarding claims 7 and 32, Eye further meets the limitation
of dropping a user input on a type of input (met by selecting
a mode control for a second time, Fig. 5, once the user
selects "ON" for any device, selecting on again would be
dropped in view of being in that mode already).

Regarding claim 8, Eyer further meets the limitation of
wherein the first mode could be a video mode (Fig. 4, viewing
video) and further the user is provided with button 315 for
accessing "What's On" or "Help", thereby providing TEXT for
"what's on", text representation of, "WHAT'S ON", presented to
the user upon selecting the button, further the Help, button
also provides text assistance, as is conventionally known with
respect to a help key,
    therefore, the mode is changed from a first video mode to a
text presentation mode of operation.

Regarding claim 20 and further regarding claim 9, Eyer
further anticipates wherein a second markup language page
includes a second script (another user input control button
such as, OFF), wherein the second script changes control of
the receipt of user inputs back to the first process upon,
    further changing the control of the receipt of the user
inputs for a/the device to a second mode upon execution of a
script that is part of the markup language content being
displayed (upon changing the mode, the user input key will be
changed to ignore, due to already being in that mode).

Claim Rejections - 35 USC § 103
3. The following is a quotation of 35 U.S.C. 103(a) which forms
the basis for all obviousness rejections set forth in this
Office action:
    (a) A patent may not be obtained though the invention is
    not identically disclosed or described as set forth in

section 102 of this title, if the differences between the
subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been
obvious at the time the invention was made to a person
having ordinary skill in the art to which said subject
matter pertains. Patentability shall not be negatived by
the manner in which the invention was made.
This application currently names joint inventors. In
considering patentability of the claims under 35
U.S.C. 103(a), the examiner presumes that the subject
matter of the various claims was commonly owned at the time
any inventions covered therein were made absent any
evidence to the contrary. Applicant is advised of the
obligation under 37 CFR 1.56 to point out the inventor and
invention dates of each claim that was not commonly owned
at the time a later invention was made in order for the
examiner to consider the applicability of 35 U.S.C. 103(c)
and potential 35 U.S.C. 102(f) or (g) prior art under 35
U.S.C. 103(a).

4. Claims 3-4, 10, 18, 28-29 and 34 are rejected under 35
   U.S.C. 103(a) as being unpatentable over Eyer et al.(US
   5,982,445).

   Regarding claims 3-4, 10, 18, 28-29, 34, meets the
limitation of receiving script (HTML with script), thru a
wireless connection (Fig. 1),
      furthermore, since Eyer discloses at col. 3, describes
   scripts associated with CGI or "Common Gateway Interface",

O wherein, "a CGI program generates HTML in real time to
produce a web page",

O wherein, "CGI scripts process user inputs or user generated
information,

O "HTML forms often require CGI scripts to process user
entered information";

O "CGI programs or scripts perform various WEB functions",

O "CGI scripts act as an interface between web servers and
other computer applications", including database and
processing systems",

O furthermore, support the examiner's position the examiner
cites col. 11, lines 13-25, which describes wherein an API can
be used to define a color, particularly design, even patter,
wherein the API can be used to build an HTML page which
includes a button.

O furthermore, in accord with the abstract etc.,

"The invention allows a designer to adapt to vast HTML
resources on the Internet for use in the television
environment for entertainment education or information
purposes", therefore, scripts are used in HTML code, used to
process user inputs etc…, created, therefore, the use of a
script to handle user inputs and a scripting language such as
CGI, provides for creation of HTLM code with script, as
desired, therefore, the creation even modification of script
is deemed anticipated, but,
    Eyer anticipates creation of HTML with scripts, but,

but, fails to particularly describe wherein the first and
second scripts can be modified from a remote cite or server or
by a user.

The examiner takes official notice that scripts are known
to be created by various users or programmers, which script
can be created and modified, which is basically code, deed to
be obvious that either a user, server or a remote cite,
utilizing for example a CGI program, to create HTML forms
including scripts can be incorporated for handling user
inputs, as is well known, therefore, it would have been
obvious to one skilled in the art with Eye, in front of
themselves that scripts can be created, modifies by a user or
from a remote cite with the help of a program such as CGI or
other, for creating forms or other, web pages, with script
handling user inputs, for various applications {questionnaire
or control etc.}.

5. Claims 12-14, 15-16, 19, 22-25, 36-40 are rejected under 35
   U.S.C. 103(a) as being unpatentable over Eyer et al.(US

5,982,445), as applied above, and further in view of Butler et al.(US 2002/0007493).

Regarding claims 19 and 24, the combination as applied fails to address, wherein the server modifies the script such that control of the receipt of the user inputs is not changed to the second process.

Butler teaches, wherein an overlay can be temporarily overwritten by another, such as for example an emergency news transmission, therefore triggered and modified by the server which is responsible for deciding to provide the over ride based on an important or emergency new transmission overlay, as understood by the examiner, as taught by Butler.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to provide an override of an overlay, being script, thereby when a user activates/initiates selecting the control overlay the user input does not cause the system to change to the second process, but, a different process, corresponding to an EMERGENCY NEWS information, as taught by Butler.

Claims 12-14, 15-16, 22-25, 36-40, various limitations have been analyzed and discussed with respect to the 102 and 103, rejections above, wherein Eyer meets the limitation of synchronizing video with markup language pages,

but, as applied fails to address and disclose wherein controlling a drive such as a DVD drive or player and displaying the video from the a DVD, in synchronization with the markup language content, controlling the modes of operation

controlling the device, in multiple modes of operation, such as video and other modes such as text, based on user inputs,

but fails to disclose setting a register in the DVD drive to a register value upon executing a command sequence during playback, further locating the registered value in a table of values, the tables having multiple entries, an associated address and associated time code, wherein each time code corresponds to a position within the video.

Butler teaches at page 4, col. 2, "The timing information indicates times (obviously some sort of time code information or time code of the video or duration time), relative to the video stream at which the particular overlays should be presented,

wherein at page 5, col. 2, further teaches that

"While the invention has been described primarily for use with broadcast video streams, note that video streams might also be available through other means such as these. … local storage … DVD … a movie might by provided on a DVD along with a group of HTML overlay for use along the movie. Alternatively, the movie … provided on a DVD, with the overlay files being downloaded from an Internet source, as taught by Butler.

Wherein the examiner further takes official notice that if one skilled in the art desired to synchronize video to overlays, as Butler teaches, it is known to provide a register or other means performing the registers operation, such as a clock or other dictating, a time duration or time parameter of the video, wherein as Butler teaches at page 4, col. 2, line [0048]-, "The timing information indicates times, relative to the video stream, at which particular overlays should be displayed. Hyperlinks can be activated to override the specific timing", therefore, the overlays are relative to the stream, having specific times, therefore, related to the stream by some sort of time markers, such as time code information to trigger the overlays with the video, as is obvious to those skilled in the art.

Therefore, it would have been obvious to one skilled in the art with the available teaching in front of themselves that the stream can be generated from the DVD, wherein the recited setting a register is the corresponding tracking of the time duration of playing, wherein overlaying would be accomplished based on the comparison of the timing information, with the time information of the DVD stream register or time code corresponding to the playing time or duration of playing, thereby triggering an overlay, wherein the user can interact with the overlays presented, as taught by Butler.

Further regarding claim 15, based on the combination it is further obvious to control the DVD device in modes or even system modes of operation video, text etc., based on presented script enabling user input control mode modification, as suggested by the combination, as applied analyzed and discussed.

Claim 25, is analyzed and discussed with respect to the claims above (such as claim 7), wherein upon executing a mode change of a device to for example "ON", another "On", input causes a change control of the receipts of certain user inputs.

Contact Fax Information

Any response to this action should be mailed to:
    Commissioner of Patents and Trademarks
    Washington, D.C. 20231

or   faxed to:

    (703) 872-9314, (for formal communication intended for
    entry)
or:
    (703) 308-5359, (for informal or draft communications,
    please label "PROPOSED" or "DRAFT")

    Hand-delivered responses should be brought to Crystal
    Park II, 2121 Crystal Drive, Arlington, VA., Sixth
    Floor (Receptionist).

Contact Information

1.Any inquiry concerning this communication or earlier
communications should be directed to the examiner of
record, Monday-Thursday, 8:00 AM to 5:00 PM Vincent F.
Boccio (703) 306-3022.

If any attempts to reach the examiner by telephone are
unsuccessful, the examiners supervisor, Andy Christensen
(703) 308-9644.

Any inquiry of a general nature or relating to the status
of this application should be directed to Customer Service
(703) 306-0377.

Primary Examiner, Boccio, Vincent
3/21/04

VINCENT BOCCIO
PRIMARY EXAMINER